



General Assembly

February Session, 2002

***Raised Bill No. 151***

LCO No. 93

Referred to Committee on Energy and Technology

Introduced by:  
(ET)

***AN ACT CONCERNING THE BROOKFIELD WATER COMPANY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (*Effective from passage*) The Brookfield Water Company, a  
2       corporation incorporated under the laws of the state of Connecticut on  
3       February 2, 1998, shall continue to exist as a corporation with all the  
4       rights, powers and duties set forth in its certificate of incorporation  
5       and any amendment thereto, and said corporation shall further have  
6       and exercise all powers and privileges granted herein, together with  
7       such other powers, privileges and duties as may be granted to water  
8       companies by the general statutes for the purpose of supplying the  
9       town of Brookfield and the inhabitants thereof with an abundant  
10      supply of water for public, domestic and other use.

11      Sec. 2. (*Effective from passage*) The Brookfield Water Company shall,  
12      in addition to the powers and privileges referred to in section 1 of this  
13      act, be further empowered and authorized, as may be necessary or  
14      convenient for conducting water to and distributing water within the  
15      town of Brookfield: (1) To open public streets, ways and grounds for  
16      purposes of installing, maintaining, repairing and replacing its mains,  
17      pipes and conduits and other works useful for public water supply,

18 provided said corporation shall have such streets, ways and grounds  
 19 in all respects in as good condition as before the installation,  
 20 maintenance, repair or replacement of such mains, pipes, conduits and  
 21 other works; (2) to install, maintain, operate, repair and replace its  
 22 mains, pipes and conduits and other works through, over and under  
 23 public streets, ways and grounds in said town of Brookfield or the  
 24 immediate vicinity of the town of Brookfield; (3) to construct, repair  
 25 and maintain such reservoir or reservoirs or other source or sources of  
 26 water supply and structures and facilities appurtenant thereto; (4) to  
 27 construct, repair and maintain any canals or aqueducts and other  
 28 works as may be useful for public water supply; (5) to install fire  
 29 hydrants; and (6) to remove existing nuisances and prohibit the  
 30 erection of other nuisances upon such streams as may be used by the  
 31 corporation for water supply purposes, provided nothing in sections 1  
 32 to 4, inclusive, of this act shall authorize said corporation to take the  
 33 property or vested rights of any other person without just  
 34 compensation therefor.

35     Sec. 3. (*Effective from passage*) The Brookfield Water Company may  
 36 take, hold and use such lands, springs, streams or ponds or such rights  
 37 and interests therein as may be expedient or necessary for the  
 38 purposes of providing public water supply to the town of Brookfield  
 39 and its inhabitants in accordance with sections 1 to 4, inclusive, of this  
 40 act, involving the preservation of the purity of such water and the  
 41 prevention of any contamination thereof, provided, in all such cases  
 42 where the law shall require that compensation be paid to any person  
 43 whose rights, interests or property have been or will be injuriously  
 44 affected by such taking, said corporation may apply to the Superior  
 45 Court and such court after such notice as said court shall deem  
 46 sufficient, shall appoint a committee of three disinterested persons  
 47 who shall, after reasonable notice to the parties, determine and award  
 48 the amount to be paid by said corporation on account of such taking,  
 49 which determination and award shall be returned to the clerk of the  
 50 Superior Court, who shall, upon approval by the court, record the  
 51 same. The court's approval of an award shall constitute a final

52 judgment.

53 Sec. 4. (*Effective from passage*) The town of Brookfield or any school  
 54 district or fire district within said town may contract with said  
 55 corporation for a supply of water for use or protection of any property  
 56 within its limits and for other purposes and may assess and collect a  
 57 tax for such amounts as may be required to meet liabilities under such  
 58 contract or contracts.

59 Sec. 5. (*Effective from passage*) Sections 1 to 4, inclusive, of this act  
 60 shall be valid and effective as an amendment to the Certificate of  
 61 Incorporation of the Brookfield Water Company if, not later than one  
 62 year after the effective date of this act, it is accepted at a meeting of the  
 63 stockholders of said corporation duly noticed for such purpose and  
 64 only upon the filing after such meeting of a certificate of amendment in  
 65 the office of the Secretary of the State.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

**Statement of Purpose:**

To amend the Certificate of Incorporation of the Brookfield Water Company to provide the company with certain powers and privileges.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*